

MINUTES
of the
Mental Health Planning Advisory Council
meeting on
February 5, 2003
held at
Holiday Inn Diamonds Casino
Tahoe Room
1000 E 6th Street
Reno, NV 89512

I. CALL TO ORDER, ROLL CALL, INTRODUCTIONS

Alyce Thomas, Chair of the Council, called the meeting to order at 10:05 am.

Members present:

- | | |
|--------------------|--------------------------------------|
| • Aitken, Nancy | • Hernandez, Kim (for Karen Taycher) |
| • Bennett, Bob | • Jackson, Barbara |
| • Caloiaro, Dave | • Johnson, Rosetta |
| • Clark, Jerry | • Rodriguez, Jenita |
| • Cooley, Judge W. | • Thomas, Alyce |
| • Crowe, Kevin | • Uptergrove, Anna |
| • Dopf, Gloria | • Whitley, Richard |

Members absent:

- | | |
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| • Legier, Barbara | • Parra, Debbie |
|-------------------|-----------------|

Staff and others in attendance:

- | | |
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| • Barth, Kitti – Governor's Committee on
Employment of Persons with Disabilities | • Vilt, Jim – Nevada Disability Advocacy
and Law Center (NDALC) |
| • St. Amant, Janet – Health Division | • Zeiser, Andrew– Administrative
Consultant |

II. APPROVAL OF MINUTES FROM PREVIOUS COUNCIL MEETING

Alyce Thomas asked for questions and comments on the minutes. None were made. She then asked for a motion to approve.

MOTION: Made by Barbara Jackson, seconded by Nancy Aitken, to accept the minutes from the December 12, 2002, meeting as submitted.

ABSTENTION: Gloria Dopf

MAJORITY VOICE VOTE; MOTION CARRIED.

III. OFFICER ELECTION – VICE CHAIR

Alyce Thomas began by reminding the Council members that Mike Doyle, the former Vice Chair, resigned from the Council after the last meeting held in December. She then asked for nominations from the floor. Anna Uptergrove nominated Judge W. Cooley. This nomination was seconded by Gloria Dopf. Rosetta Johnson nominated Barbara Jackson. This nomination was seconded by Bob Benett.

Alyce then asked the members if they would prefer a voice or written vote. The members agreed to a written vote. Andrew Zeiser collected the write-in ballots and then conducted a count with Dave Caloiaro. Upon completion, Alyce asked Dave to announce the results. Dave said that Judge Cooley received the majority of votes. Alyce then welcomed her as the new Vice Chair.

MAJORITY WRITTEN VOTE; VICE CHAIR ELECTED.

IV. TICKET TO WORK UPDATE – KITTI BARTH

Alyce Thomas introduced Kitti Barth from the Governor's Committee on Employment of People with Disabilities (GCEPD). Kitti distributed a brochure and handout on Ticket to Work. Alyce explained that the Medicaid Infrastructure Grant that she often discusses at meetings is a part of the Ticket to Work program. Kitti explained that the Ticket to Work program serves all people who receive disability benefits from the federal government. Organizations who participate in a back-to-work program for persons with disabilities are offered incentives. However, Kitti said that employment organizations are not currently signing up as expected. This reflects lack of marketing for the program, therefore GCEPD is working to increase awareness of the program. She also reviewed the advisor list on the back of the brochure and mentioned some of the current partnerships within the program. Kitti said that the Committee does not focus on the Americans with Disabilities Act (ADA), but rather on employment of persons with disabilities. However, she distributed some overview information on the ADA.

Kitti moved on to explain that the GCEPD is currently housed in the Department of Business and Industry and consists of three staff positions. She then reviewed a more detailed report

developed for today's meeting. This is included as Attachment A to these minutes. Rosetta Johnson asked if other states have performed better with the program in terms of the number of tickets used. Kitti said that Nevada is currently the benchmark state. She then explained that they have implemented a State Use Plan, which allows community training centers to receive a bypass of the State's competitive bid process so they have more opportunities to train persons with disabilities in employment settings. Kitti noted that for every dollar spent within the program, \$0.35 comes back to taxpayers through reduced benefits paid out.

She then provided information from the report about community participation and GCEPD's efforts to make presentations to stakeholders statewide. She also discussed progress and future timelines, along with statewide collaborations. Kitti then reviewed special interest projects for mental health advocates. She discussed SNAMHS' efforts to become an employment network. They currently have nine employment networks and eight more in process. She concluded by briefly reviewing plans for fiscal year (FY) 2004.

Dave Caloiaro asked if persons with HIV and AIDS are allowed to participate in the program. Kitti said that GCEPD does not work directly with persons with disabilities, but rather with employers to promote employment. She agreed that some employers are afraid to employ persons with HIV and AIDS because they are often unaware of supports that are available to them. Dave then asked about selection and participation of employers based on their nondiscrimination policies. Kitti said that in the past the only agency focused on trying to employ persons with disabilities was Vocational Rehabilitation. Bob Bennett pointed out that he is aware of persons with SMI who have been turned away for employment based on their disabilities.

Alyce attempted to clarify Dave and Bob's points by asking what types of jobs are offered to participants in the program. Kitti said whatever job they choose. Alyce said persons with disabilities are often not encouraged to find jobs outside of "food and filth," i.e., food service and janitorial service. Barbara Jackson agreed that menial labor is most commonly what is available to persons with disabilities. Kitti disagreed and said she believes persons with disabilities have other options. With employer networks, clients can shop for a variety of jobs. She emphasized that this program offers choices. However, she agreed that the choice ultimately belongs to the employment networks as far as what jobs are offered. If an employer in the network does not believe they can successfully employ a client, they can refuse the ticket. However, she also pointed out that the only way an employer gets paid is by employing someone within their network.

Rosetta said she sees a gap between making the choice to work and actually getting a job. She asked how a person with serious mental illness (SMI) can get prepared for employment. Who provides the training necessary to enable clients to go back to work? Kitti said that employment networks work with those who are ready for employment. She pointed out that it is the job of psychosocial rehabilitation and training programs that are part of the mental health system to help train people to be able to return to work. She also emphasized the importance of mentoring.

Judge Cooley said she would be interested in seeing a graphic representation of how clients can enter the workplace, underscoring her concern that personally she does not understand how

clients can make use of the Ticket to Work program, so she is concerned whether clients themselves can either. Judge Cooley also noted that many clients are worried about meeting their basic needs when they reenter the workplace. Kitti reiterated that the information is contained in the handout she provided. Judge Cooley stated that many clients may not be able to understand it. Kitti said that there are other materials in print to help explain the program to clients. Judge Cooley asked Kitti to provide the Council with copies of the materials that are used to present the information to clients. Kitti agreed to forward the information to Andrew.

Alyce said that although the employer networks are in place, she is concerned that there is no Medicaid buy-in plan that enables those who become employed to receive continued benefits when they return to work. She also expressed concern that the limited staff of GCEPD cannot serve all of the clients who need assistance.

Kitti said that the lack of a Medicaid buy-in plan only impacts 50% of the participants in program. Bob Bennett said the Council is concerned with everyone who participates in the program: What happens to the other 50%? Alyce said that here concern is those who have been on SSD, not SSI, and are not eligible for insurance coverage. She then explained her own experience. Kitti said that those on SSD are eligible for Medicare, not Medicaid. Kitti underscored that the type of situation described by Alyce affects only a small percentage of persons. She believes that Nevada needs to capitalize on the potential success of the program and advocate for expansion through the Legislature in future years.

Kevin Crowe said it appears that the array of possible services relies on employment networks, and he confirmed that nine are currently active in Nevada. Kitti said yes. Kevin asked how many are in northern Nevada. Kitti said three. Kevin then asked about the barriers for employers to participate. Kitti said all federal programs require reporting, and employment networks may feel put off by the paperwork requirements or believe that they have to hire more staff to support employees with disabilities and/or meet federal requirements. Kitti said that when a client brings a ticket to an employer, they are paid for up to five years even if the client moves to another job. She said that advocates need to do the work necessary to get a Medicaid buy-in.

Gloria Dopf clarified that the first employer retains the original ticket. Kitti said yes. Bob then discussed a catch-22 he encountered between a private insurance company and Medicaid regarding one being the primary provider and the other being the secondary provider. Alyce clarified that in an 80/20 percent coverage scenario, the private insurance would be the primary provider for 80% of coverage and Medicaid would be the secondary provider for the remaining 20%. Kitti said the employer's insurance company is always required to be the primary provider and Medicaid the secondary. In response to Bob's comments, she said if anyone is aware of violations of this, they can contact the State's insurance commissioner. Barbara Jackson said she believes that many people may not be aware of this.

Rosetta asked if she can have information about the State Plan for Medicaid. Kitti said this is available online. More discussion followed. Kitti brought up the Governor's Task Force on Persons with Disabilities, created by Assembly Bill (AB) 513, and mentioned their report, which contains recommendations for changes to Medicaid. Rosetta then asked how the Council

members can help. Kitti suggested that Council members contact their Legislators to support the Medicaid buy-in plan.

Alyce concluded the discussion by thanking Kitti for her presentation. Kitti mentioned a website with additional information: www.yourtickettowork.com. Alyce then called for a break.

*** The meeting broke at 11:20 am, then resumed at 11:30 am.

V. SUBCOMMITTEE UPDATES

BYLAW

Alyce Thomas began by asking Dave Caloiaro to review the current proposed bylaw revisions. Dave reminded everyone that these were discussed in detail at the last meeting held on December 12, 2002. He noted that the one issue not resolved pertains to the proposed grievance procedure outlined on page six, under Article X, Section 2, Item 6. He read the current proposed language:

6. *In the event the grievant does not agree with the Council's final decision, the grievant may appeal to the Administrator of the Division of Mental Health and Developmental Services (MHDS) or the Administrator of the Division of Child and Family Services (DCFS).*

Dave said there were questions at the last meeting as to whether there should be a level of appeal beyond the Council. Although he believes most members felt this should be the case, there was disagreement about who should serve in this capacity, i.e., the Administrator for MHDS, DCFS, or possibly staff from other agencies. He reminded everyone that it was requested that the issue be referred to the Deputy Attorney General for MHDS, Ed Irvin, who responds to the Council's legal concerns. This was done through letter from the Chair to Ed, who responded with a memo. Dave noted that this memo was included in the meeting packets and pointed out that not only did Ed respond to the grievance procedure issue, but also brought up concerns regarding the stipends paid to the Council members. In essence, Ed said he believes that it is both inappropriate and possibly unauthorized for the Council to pay stipends to its members.

Dave then provided a brief history of the stipends, explaining that in 1999 the authorization for stipends was voted into the bylaws and a limit was set on the total amount available per member, per year. Dave explained that Cindy Pyzel, who was the Deputy Attorney General at the time, never advised against establishing the stipends. However, in 2001, the Council decided to remove the annual limit and Cindy had advised against this. Dave noted that the limit was removed despite her advice.

Dave summarized by saying that the Council has two issues to consider: 1) Ed Irvin's comments that he does not believe a second level of appeal is necessary as part of the grievance procedure; 2) Ed Irvin's recommendation that the stipends be removed from the bylaws. Regarding the second level of appeal, Dave said that his perspective is that this is common among State boards

and commissions. Regarding the stipends, he pointed out that when Nevada was reviewed by the Center for Mental Health Services (CMHS) in May, 2002, they were complimentary about providing stipends.

Dave then prompted the Council members to address whether the bylaw language regarding the stipends should be changed. He pointed out that the current language is on page three, Article IV, Section 2. Alyce said that other states have now implemented stipends and this has increased the inclusion of consumers and family members, and therefore bettered their planning councils. Alyce said she supports stipends to help defray the cost of lost wages, child care, respite care, etc.

Judge Cooley said she is concerned that upon asking for legal advice, the Council appears to have received a reprimand from the Deputy Attorney General. She believes asking for an opinion on one issue and getting feedback on another has a chilling effect on the Council. She believes that as a body the Council should not address the matter, and that Mr. Irvin's correspondence does not constitute a mandate to address it. Alyce reiterated that the Council has received a federal opinion that is in support of the stipends. Judge Cooley said that something written from CMHS would be beneficial to the discussion.

Andrew Zeiser interjected to point out that he provided Dave with an excerpt from the federal monitoring report that includes mention of the stipends, and suggested that it could be read and entered into the minutes today. Dave read the excerpt as follows:

The Nevada Mental Health Planning Council is dynamic, energized and actively engaged in long term planning around future Council activities. Council members take the three charges in the law that deal with Planning Councils very seriously. The Council Chair visits all areas of the State on a rotating basis, meeting with consumers, families, providers, and community leaders in order to determine the issues that are affecting the mental health system. The outreach to minorities by the council is remarkable, especially in a State as vast as Nevada. The council has not accepted the scarcity of minorities with mental health issues as a reason not to engage them. Council members have worked hard to include all populations as members. **The State should also be commended for providing travel expenses and stipends to consumers and family members for council activities** [emphasis added].

Judge Cooley then introduced a motion to table further discussion of the stipends because it is not germane to the topic of appeals on grievances. Alyce asked for discussion and no additional comments were made. She then called for a vote.

MOTION: Made by Judge Cooley, seconded by Anna Uptergrove, to table further discussion of changes to the bylaws regarding stipends.

MAJORITY VOICE VOTE; MOTION CARRIED.

ABSTAINED: Kevin Crowe.

Dave then returned to the issue of appeals on grievances. He confirmed that everyone had an opportunity to read Mr. Irvin's response memo that was included in the meeting packets. He reminded everyone present that the issue is whether or not to provide a second level of recourse to grievants who have filed an appeal with the Council. Dave asked if the Council wishes to further discuss the issue. Judge Cooley mentioned that Kevin originally brought up the concern and asked for his comments. Kevin said his understanding from Ed Irvin's response is that the Council does not need a grievance committee. Judge Cooley agreed that he said this based on the premise that the Council should not violate its bylaws in the first place. Kevin said he believes that a grievance process should be allowed. Gloria Dopf said she believes that governance over these matters should remain within the Council. She suggests that grievances first be made to the Executive Committee, which serves as the Grievance Committee, then appealed to the Council as a whole if there is disagreement over the Grievance Committee's decision. She believes it is inappropriate to have the bodies that the Council advises, i.e., MHDS and DCFS, serve as arbiters of appeals. She then made a motion accordingly.

MOTION: Made by Gloria Dopf, seconded by Judge Cooley, that the proposed changes to the bylaws be accepted under the condition that Article X, Section 2, be amended to indicate that grievances first be made to the Executive Committee, and if the grievant wishes to appeal the Committee's decision that the first and final level of appeal be made to the body of the Council. Dave Caloiaro wanted to clarify that it was understood by all members that three Executive Committee or Ad Hoc Committee members would first make a decision on their own, and then the entire Council would serve as the body for appeal if the grievant disagreed with the decision. The members agreed. Andrew Zeiser confirmed that these recommended changes would require deleting the proposed item six, and changing item four to reflect the intent of the above discussion. The members agreed. Alyce then called for a vote.

OPPOSED: Dave Caloiaro

ABSTENTIONS: None.

MAJORITY VOICE VOTE; MOTION CARRIED.

Kevin Crowe mentioned that Carlos Brandenburg will attend today's meeting at 2:00 pm to make the presentation on the MHDS budget, which was originally scheduled for tomorrow's joint meeting with the Mental Health and Developmental Services (MHDS) Commission.

SECLUSION AND RESTRAINT

Alyce Thomas asked Bob Bennett begin his discussion of the issue of seclusion and restraint. Bob reviewed the relevant materials included in the meeting packets. He discussed his personal experiences with seclusion and restraint, and he discussed the anger that results from negative experiences with it and how this can impede recovery. He can understand voluntary seclusion in certain instances, but he does not believe in the regular use of seclusion and restraint by mental health staff. He also discussed the fear consumers may have of seeking treatment after negative experiences. More discussion followed. Kevin explained that during the second week of August, 2003, training will be provided at Southern Nevada Adult Mental Health Services

(SNAMHS) by the National Technical Assistance Center (NTAC) to several participating states on eliminating seclusion and restraint. Kevin said this is a “train the trainers” approach, which will result in subsequent internal staff training. Alyce said that the Mental Health Association (MHA) of Southern Nevada will be writing a position paper on seclusion and restraint. She also said she would like to work on developing other position statements from the Council in the future.

Rosetta Johnson asked about the seriousness of seclusion and restraint problems in Nevada. Kevin said he does not believe it is a serious problem here. MHDS collects four statistics on seclusion and restraint, and these measures are well below the national average, therefore he believes it is used less in Nevada. However, he said the goal is to eliminate it, although he pointed out that some staff is resistant to this. Rosetta asked if there is legislation surrounding this. Kevin said not in the current session. He underscored that the first goal is to participate in the training and work toward the elimination of seclusion and restraint at the agencies. More discussion followed.

Dave commended Bob and Kevin for their work on this issue. However, he said it is important to remember that the current initiative focuses on seclusion and restraint for adults, and that children need to be included at some point. Alyce agreed that the Council needs to remain active on behalf of both DCFS and MHDS. Kevin said that MHDS asked NTAC to formally reconsider expanding training to include DCFS staff, and they declined, so the focus for now will remain on adults. However, Kevin said that DCFS staff can be included in the internal staff training that follows the NTAC training.

Alyce then brought up the memorandum of understanding (MOU) pertaining to the transition of clients between child and adult services, and its relevance to addressing needs on behalf of both children and adults. More discussion followed. Alyce asked that Jerry and Kevin review the MOU at the next meeting to explain its contents. Kevin suggested inviting staff who are responsible for the process to help discuss the details of the MOU, and he said he would like to invite the southern agency directors to discuss this.

Alyce returned to discussion of seclusion and restraint, noting that this item was placed on the agenda to request that the Council support the release of seclusion and restraint data by MHDS to the National Alliance for the Mentally Ill (NAMI) toward the development of a national comparison of rates, in hopes that states with high percentages will have an incentive to reduce them. Alyce asked if the members support the efforts of MHDS in this matter. The members agreed. She then requested a motion accordingly.

MOTION: Made by Barbara Jackson, seconded by Judge Cooley, to support provision of seclusion and restraint data by MHDS to NAMI.

ABSTENTION: Kevin Crowe.

MAJORITY VOICE VOTE; MOTION CARRIED.

LEGISLATIVE

Alyce asked if Jenita Rodriguez has a Legislative report prepared for the Council today. Jenita apologized for being unavailable during the early part of the year and said she does not have a report ready for today.

SYSTEMS INTEGRATION

Alyce then asked Rosetta to present her update on Systems Integration as a follow up to her conference last November. Rosetta provided background on the Summit for Systems Integration, the purpose of which was to explore collaborative efforts to promote systems integration for persons with mental illness, substance abuse, and other co-occurring disorders. The goals were to present information on systems integration and to provide workshops to develop linkages between stakeholder agencies.

Rosetta then discussed the difficulty with the existing system of care and problems that consumers have accessing services and understanding what is available to them. She discussed the ideal outcome of integration between agencies: that they will share information, clients, resources, and engage in cross-training. She emphasized the need to maintain momentum in this area. She mentioned agency staff that she is working with as part of a Steering Committee to develop a planning process for systems integration.

Alyce asked about consumer representation in the process. Rosetta said they will be involved at the agency level. Rosetta then asked Richard Whitley to comment on the topic. Richard said his agency is involved at the level of HIV as a co-occurring disorder with mental illness. He said his staff are finding more prevalence of HIV among persons with serious mental illness (SMI). He agrees that systems integration is important, but also pointed out that it is difficult to promote change within the system. He said he is committed to help integrate services that the Health Division makes available to persons with HIV and AIDS.

Alyce commented positively on Rosetta's work and the use of a Steering Committee that includes agency leaders. Kevin asked how often the Steering Committee meets. Rosetta said about once per month. More discussion followed. Alyce asked if participants in the Summit will receive a report from Rosetta. She said she has had difficulty distributing information because she uses a Macintosh platform. Rosetta said she could provide a copy to Andrew for distribution to the Council.

Rosetta then said she would like the Council's support for the project. Barbara asked what type of support Rosetta is requesting. Rosetta said she would like the Council's to make a formal statement that systems integration is good for consumers. Judge Cooley said she would like to have more information to review prior to any kind of action by the Council on this. Alyce said that a discussion could be scheduled for the next meeting and the Council could be provided information in advance, as with the seclusion and restraint issue brought up by Bob. Alyce asked if Rosetta would provide additional information to the group. Rosetta then said she does not think it is necessary for the Council to set this on a future agenda. Alyce confirmed that Rosetta does not want to pursue the Council's support further. Rosetta agreed.

Kevin added that he brought two reports that the Council might want to review and distributed them: 1) HOPE interim report; 2) At-a-glance indicators of MHDS data.

Alyce then called for the scheduled lunch break.

**** The meeting broke at 12:35 pm, then resumed at 1:30 pm.*

VI. EXECUTIVE REPORT – ALYCE THOMAS

Alyce Thomas began by discussing the Consumer Assistance Program (CAP) and asked Kevin Crowe to distribute a summary brochure to the Council. Alyce provided an overview of the different types of work done by the Consumer Services Assistants (CSAs) in the different regions of the state. She then discussed the plans for statewide training to educate CSAs about confidentiality, leading peer groups, etc.

Alyce said she has no new information regarding the Ticket to Work Infrastructure Grant. She said she may not continue working with this group.

Regarding the Juvenile Justice Commission (JJC), Alyce reported that Ed Cotton has been working hard to initiate changes to help better serve children in the juvenile justice system, as well as to reduce out-of-state placements.

She mentioned that the annual Center for Mental Health Services (CMHS) Technical Assistance Conference is being held in May, 2003. She also mentioned other upcoming national conferences including the National Alliance for the Mentally Ill (NAMI), the National Mental Health Association (NMHA), and the National Association of Mental Health Planning and Advisory Councils (NAMHPAC).

Returning to the CAP topic, Dave Caloiaro asked about the CSAs' involvement with Program for Assertive Community Treatment (PACT) Teams. Alyce said this is currently planned in the north but not in the south. Dave asked if the south will follow. Alyce said she is not sure. Dave then asked about CSA involvement with psychosocial rehabilitation (PSR). Alyce said again that this is happening in the north but not in the south. In the north, she said this primarily centers around the new Canteen Employment Learning lab. In the south, she said she would like to see more involvement by CSAs with PSR. She believes the northern model is working well and it should be mirrored in the south.

Nancy Aitken asked how the Canteen is doing. Alyce said she has received several e-mails that it is not functioning as originally hoped, i.e., that there are staffing problems and it is not being used to capacity. Alyce she will contact Cynthia Lommel to get an update. Andrew reminded everyone that in-person reports will be scheduled again this year so that the Council will hear from all of the subgrant recipients.

Ann Uptergrove briefly returned to the PACT topic, asking if the Council is aware that PACT will not accept clients who have any level of developmental disability. Alyce said yes, she is aware of this.

Barbara Jackson then spoke positively about the Canteen, saying that it is well kept and a good environment for consumers. Kevin asked if Barbara agrees that it is not being used as expected. Barbara said that this may have to do with awareness, and that it takes awhile for potential customers to learn about it. She said that the staff now have a mobile cart that they take around the campus to help increase sales. She also said they have gift certificates available. Barbara emphasized that it will take time for this program to get off the ground and be used by clients and staff. Alyce also spoke positively about the Canteen, and agreed that it is a good environment. She briefly addressed some of the staffing problems, and noted that any new program encounters obstacles.

Alyce then brought up the computers in place at Northern Nevada Adult Mental Health Services (NNAMHS), and said she has received calls from consumers saying that they are having trouble accessing the equipment. Apparently the computers are not being serviced by State staff. She asked Kevin about this. He believes Alyce and he can address the problem with the agency Director, Harold Cook. Alyce reiterated that the Council gifted the computers to NNAMHS for use by consumers and she will work to ensure that they will continue to be available.

VII. NEW BUSINESS

Alyce Thomas asked for discussion of new business items. Jenita Rodriguez said she would like to set up a phone tree to notify Council members when there are key issues before the Legislature relevant to mental health. Jenita and Alyce asked that those interested please let either of them know. Kevin noted that State employees cannot participate in this.

Alyce then reintroduced Jim Vilt from the Nevada Disability Advocacy and Law Center (NDALC) and discussed the possible involvement of NDALC with the MHPAC. Jim said that NDALC has been working actively with several Legislators on issues pertaining to persons with disabilities. He said it is very important for consumers to get involved with Legislative action and put a human face to the issues that are discussed. NDALC is working to co-sponsor a conference with the Bazelon Center to discuss a variety of topics including diversion options such as the mental health court. He emphasized that he would like to explore other types of diversionary programs prior to the “rock bottom” reached at the mental health court. He also discussed the need for additional inpatient services in the south. Rosetta asked about bill draft requests (BDRs) related to Olmstead. He said that there are several Legislative issues related to persons with disabilities and that NDALC will work to support what they can. More discussion followed.

Kevin asked about background on NDALC. Jim said that it is federally mandated and they have two offices, one each in the north and south. They employ around 15 staff statewide, of which three are attorneys. Alyce said that NDALC has a Protection and Advocacy for Individuals with Mental Illness (PAIMI) Board as well. Jim noted that they are an independent nonprofit.

Rosetta asked if they have any current lawsuits against the State. Jim said no, their last one was settled over the Summer of 2002.

Alyce then asked Carlos Brandenburg to begin his discussion on the MHDS budget as presented to the Legislature. He distributed handouts to the members that provide an overview of the budget.

Carlos first referred to two budget spreadsheets, one for mental health and the other for developmental services. The recommended increase for the total mental health budget is approximately 32% for the 2004 – 2005 biennium, over that of the 2002 – 2003 biennium. Of the approximate \$46 million increase, about \$28 million will go to SNAMHS. Of the 89 recommended full-time equivalent (FTE) positions, approximately 72 will go to SNAMHS.

He then reviewed comparable information for developmental services. The recommended increase for the total developmental services budget is approximately 36% over the previous biennium. He then discussed funding amounts and FTE positions. He explained that the 2002 mandated budget cuts resulted in staff loss at developmental services agencies, and the proposed increase for the upcoming biennium results in a net increase of one staff person after the cut positions are reinstated.

Carlos then reviewed the spiral bound budget presentation. He explained the pie charts that show the MHDS budget within the Department of Human Resources (DHR), and the mental health, developmental services, and administrative components within the MHDS budget. He then reviewed caseload statistics. He said that the Center for Mental Health Services (CMHS) estimated prevalence rate for SMI and SED is approximately 5.4%, and discussed this relative to caseload and state population. He then reviewed the Division's budget support within the strategic plans developed by the Assembly Bill (AB) 513 Task Force, which focuses on strategic planning of services for persons with disabilities. Carlos also reviewed the persons served through Medication Clinics. He explained that the spike in services shown in the data presented is largely a result of filling pharmacy staff positions that are now able to serve the consumers' needs.

Carlos then discussed Psychiatric Emergency Services (PES) and the need for additional staff in the southern region. He moved on to discuss service coordination and residential supports. He mentioned that Supportive Living Arrangement (SLA) providers are a component of Olmstead compliance to work toward providing services in the least restrictive environment. He then discussed the need for additional Psychiatric Observation Unit (POU) staff to help decrease medical emergency room overload in the south.

He also discussed the proposed new inpatient hospital in the south. Carlos explained that currently, the per capita expenditure in Nevada for mental health services is \$53.81, while the national average is \$82. Looking at per capita expenditures for inpatient hospital services, Nevada spends \$15.49 per person, while the national average is \$25.62. CMHS recommends that there should be 33 beds per 100,000 in the population for inpatient services, whereas Nevada has only approximately 4.75 per 100,000 of residents. Carlos emphasized that it will be up to advocates such as the Council to help ensure that the hospital gets built. He underscored the

tremendous need for services in Clark County. He said that some people perceive that MHDS is countering Olmstead by building the hospital. But he clarified that Olmstead seeks to reduce unnecessary segregation from the community, while the hospital seeks to serve those for whom inpatient services are necessary. He then reminded the members that the MHDS budget hearing is currently scheduled for Monday, February 17, 2003, at 8:00 am and public comment will be allowed. Carlos noted that this is a holiday.

Barbara asked if the budget projections account for the possibility of a war with Iraq, which would mean greater need for mental health services. Carlos said there is no way to accurately project for something like this, and the budget projections do not account for increased need as a result of war.

Carlos emphasized the need for advocates to appear at the Legislature. More discussion followed. Dave asked about a BDR that was mentioned at a prior meeting that would propose to eliminate the requirement for medical evaluations in the south, prior to client referrals for mental health services. He recalled that it was being put forth by a southern coalition. Carlos said that the coalition has backed off from this initial stance and he believes they are engaged in a dialog to help educate the coalition about the importance of the evaluations.

Judge Cooley asked where the hearings will held be on February 17. Carlos said they will be simultaneous at the Legislature in Carson City and through teleconference at the Grant Sawyer Building in Las Vegas. Jenita asked about Legislative strategies. Carlos suggested that advocates not repeat the same issues over and over, but rather present different issues within the time allotted. He also said that Legislators may ask direct questions about advocates' willingness to pay increased taxes for services.

Alyce agreed that advocates should be prepared for hard questions. Carlos said that advocates can also e-mail Legislators regarding these issues. He again recommended e-mailing them about specific issues. Alyce and Carlos both recommended coordinating the presentations. Jenita agreed this is important because Legislators will cut off repetitive testimony. Jim suggested finding someone who has actually been in an emergency room who can articulate their experience with wait times.

Carlos also said that presenters need to briefly educate the Legislators about who the Council is and what they do, because many are new and not aware of it. Carlos again reminded everyone present that the hearing is on February 17, 2003, at 8:00 am both in Carson and Vegas. He also emphasized the need to advocate for children's services along with adult services.

VIII. PUBLIC COMMENT

Public attendees made their comments under the above items.

IX. SET DATE, TIME, LOCATION, AND TOPICS FOR NEXT MEETING

Alyce Thomas asked that the Council consider a calendar for the remainder of 2003 during tomorrow's scheduled meeting with the Mental Health and Developmental Services (MHDS) Commission.

X. ADJOURNMENT

The meeting was adjourned at 2:50 pm.

ATTACHMENT A

Report to Mental Health Planning & Advisory Committee on 2/5/03

- Governor's Committee on Employment of People with Disabilities (GCEPD), is currently within the Department of Business and Industry. 3 fulltime employees staff this agency.
- Major change of focus from any ADA issue to Employment of People with Disabilities in May 2000.

Mission of the Governor's Committee on Employment of People with Disabilities, Department of Business and Industry

- To promote career opportunities of people with disabilities to Nevada's businesses and industries.

Methodology:

- By educating employers and service providers of the benefits related to employment of people with disabilities, we strive to remove natural barriers caused by myths, stigma and ignorance.
- By facilitating cooperation between private/public service providers and employers, we increase knowledge, trust, and teamwork that result in positive supports for employees with disabilities.

Tools currently used:

- Ticket to Work program opportunities for Employment Network participation and partnering
- WOTC credit
- State Use Plan to increase employment opportunities of Community Training Centers through usage of competitive bid bypass for governmental contracts
- Demystifying myths re: ADA Title I employment discrimination claims

Ticket to Work Progress and Timelines:

- Due to Nevada's readiness, SSA selected Nevada to participate in Round 2 of the Ticket to Work rollout.
- Governor's Committee on Employment of People with Disabilities staff of 3 statewide provided Ticket to Work training in the last four (4) months of FY01 for 135 Service Providers/ Agencies including VR, BSBVI, Medicaid, and MH/DD which provide employment related services to people with disabilities.
- GCEPD provided Ticket to Work Training for 225 Service Providers/Agencies including VR, BSBVI and MH/DD in FY 02.
- Invited Nevada's businesses, Vocational Rehabilitation, BSBVI and MH/DD staff and community service providers such as Centers for Independent Living, Salvation Army, Goodwill, the A.R.C.'s, Alternate Providers and private rehabilitation services to attend all Ticket trainings, participate in Ticket to Work roll out, and complete RFP for Employment Network Participation. Continue to function as technical assistance provider for questions or concerns.
- Met with Administration of the Rehabilitation Division and trained VR Rural staff via Bob Nichols' invite, Dennis Adair and staff at VR in Reno and Howard Castle's staff at Southern Nevada VR.
- Presented to State Workforce Investment Board Subcommittee on Disability Employment.
- Presented to One-Stops, Southern Nevada WIB and Northern Nevada WIB.

- Presented to Vocational Rehabilitation Council on numerous occasions and attended many meetings, providing updates on Ticket to Work progress and invites to attend future trainings.

Collaborations

- Signed MOU with Vocational Rehabilitation October 1, 2000. Met with staff and provided updates, training and assistance to implement Ticket to Work in Nevada many times.
- Collaborated with the Medicaid Infrastructure Grant/Ticket to Work to bring "New Attitudes in Workplace Diversity: Benefits of Employing People with Disabilities" seminar to over 250 representatives of businesses, service providers and state agencies involved with employment of people with Disabilities.
- Collaborated with the grant recipients related to Ticket to Work (Governor's Committee not a recipient) to create unified campaign to bring Ticket to Work to Nevada early and successfully. This "Ticket Team" includes Social Security, SNCIL, NDALC and Medicaid/Ticket to Work. Southern Nevada Center for Independent Living (SNCIL) is the recipient of B.P.A.O. grant for Ticket to Work, NDALC (Nevada Disability, Advocacy Law Center) is the recipient of the PAABS grant related to Ticket to Work. Ticket to Work-Nevada HIWA staff is the recipient of the Medicaid Infrastructure Grant. The Governor's Committee on Employment of People with Disabilities also work on the Ticket Team because of our mission to educate and include Nevada's businesses and industries in the Employment of People with Disabilities. The "Ticket Team" continues to inform and invite VR and DETR staff to attend our meetings and continue to plan training opportunities across the state.

Promotional Materials

- Designed "Presenting Nevada's Ticket to Work/Work Incentives Improvement Act" brochure and printed/distributed over 1000 in trainings and meetings.

Current Projects

- Currently, GCEPD is working with Executives in Nevada's Community Training Centers and Purchasing Managers at State, County, City and Regional levels to create a Fair Market Value Committee to assist to implement the State Use Plan. The State Use Plan (SB175) provides increased vocational training, and employment opportunities for Nevadans' with severe disabilities that work on these contract sites. Successful State Use Programs can dramatically increase employment of people with disabilities while decreasing dependence on public benefits thus freeing dollars to assist those who remain on public benefits.
- In addition, we are currently partnering with the Medicaid Infrastructure Grant/Ticket to Work staff to assist with trainings for employers and service providers which may participate in the Ticket to Work and HIWA programs. We continue to serve as a clearinghouse for the volumes of information, updates and questions on the Ticket to Work roll out, and the RFP's for Employment Networks.
- We also continue to meet with the Ticket Team to implement the ongoing roll out of the Ticket to Work program in Nevada. We are currently working with Social Security to create a National Media Campaign spotlighting Nevada's successful roll out of the Ticket Program.

Special Interest Projects for Mental Health Advocates

We have campaigned long and hard to bring NNAMHS and SNAMHS into Employment Network participation thus offering support systems for adults with mental illness to successfully participate in the Ticket Program. Kim Cantiero of SNAMHS was one of the first organization representatives in Nevada to begin completion of the RFP to become an Employment Network. When she encountered a snag with the Federal Tax ID number for the state, she sought our assistance. We were able to contact the Governor's office to assist us with this problem and the paperwork has been submitted for review by Social Security. Carlos Brandenburg has been extremely supportive of the Ticket to Work Opportunities for MH/DD and their clients. We appreciate your continued encouragement of the

Division of Mental Health to fully participate in the Ticket to Work opportunity of choices for people with disabilities seeking employment. We post employment opportunities for people with disabilities via e-mail distribution list of Employment Networks to increase Nevada's outcomes.

Plans for FY04

The Department of Employment Training and Rehabilitation (DETR) has proposed transferring our agency from Business and Industry to DETR and renaming the agency -Office of Disability Employment Policy (ODEP). We will continue to work to facilitate Ticket to Work and other employment opportunities for people with disabilities via our newly reformatted Governor's Council on Rehabilitation and Employment of People with Disabilities. This Council/Committee will be the consolidation results of Vocational Rehabilitation Council and the Governor's Committee on Employment of People with Disabilities. We will welcome the transfer of the VR Council staff/Ticket to Work VR contact to our agency further increasing our commitment to work together to benefit people with disabilities across Nevada. By creating policies of inclusion, employment of people with disabilities will be afforded greater vistas of opportunities.